

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Serial number: 10/539,582
Filing Date: June 17, 2005

Inventors: Kristopher Buchanan, Marc Key, John Favuzzi, Rosanne Welcher, Benno Guggenheim, Robert Clark, Michael Barber, and Bob Lathrop

Int'l Application No.: PCT/US03/40880
Int'l Filing Date: December 22, 2003

Title: Systems and Methods of Sample Processing and Temperature Control
Assignee: Dako Denmark A/S
Attorney Docket: P139 US 01
Customer Number: 33549

SUBMISSION OF DECLARATION

Pursuant to the Decision on Petition (Attached hereto as Exhibit A) dated June 7, 2006, the applicant hereby files a fully executed Declaration as required. A late Oath or Declaration fee of \$130.00 is transmitted herewith.

The Applicant would like to point out that, although the Petition states on page two that the Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 C.F.R. 1.494 or 1.495 is vacated and that the application is being returned to the DO/EO/US for processing, the Applicant has not yet received further notification that a fully executed Declaration must be submitted.

Therefore, in order to insure this application is not abandoned, the Applicant is submitting herewith the fully executed Declaration and late Oath or Declaration fee.

Dated this 20th day of September, 2006.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Serial number: 10/539,562
Filing Date: June 17, 2005

Inventors: Krisiopher Buchanan, Marc Key, John Favuzzi, Rosanne Weicher,
Benno Gaggenheimer, Robert Clark, Michael Barber, and Bob
Lathrop

Int'l Application No.: PCT/US03/40880
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Title: Systems and Methods of Sample Processing and Temperature
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EXHIBIT A

DECISION ON PETITION
DATED 07 JUNE 2006

07 JUN 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
BUCHANAN et al.
U.S. Application No.: 10/539,582
PCT No.: PCT/US03/40880 : DECISION ON PETITION
Int. Filing Date: 22 December 2003 :
Priority Date: 20 December 2002 :
Attorney Docket No.: P139US01 :
For: SYSTEMS AND METHODS OF SAMPLE :
PROCESSING AND TEMPERATURE :
CONTROL.

The above-captioned application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. Additionally, this decision is issued in response to applicants' facsimile communication dated 28 May 2006, which is being treated as a Request to Correct Filing Receipt. No petition fee is due.

BACKGROUND

On 22 December 2003, applicants filed international application PCT/US03/40880 which claimed a priority date of 20 December 2002. The international application named: Kristopher Buchanan; Marc Key; John Favuzzi; Rosanne Welcher; Benno Guggenheim; Robert Clark; Michael Barber and Bob Lothrop as applicants/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 20 June 2006.

On 17 June 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment; an information disclosure statement; an application data sheet; a declaration executed by Kristopher Buchanan; Marc Key; John Favuzzi; Rosanne Welcher; Benno Guggenheim; Robert Clark; and Bob Lothrop.

On 04 May 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/908) which set forth a 35 U.S.C. 371 completion date of 17 June 2006.

On 28 May 2006, applicant filed a request for corrected filing receipt.

DISCUSSION

A review of the application file and other Patent and Trademark Office records reveals that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not been completed as indicated in the Notification of Acceptance mailed by the DO/EO/US on 04 May 2006. Specifically, the oath or declaration requirement under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America has not been executed by inventor, Michael Barber. As such, the 04 May 2006 Notification of Acceptance of Application was erroneously mailed by the DO/EO/US and must be vacated.

Inventors John Favuzzi; Rosanne Welcher, Benno Guggenheim; Robert Clark; Michael Barber and Bob Lothrop have been added to the above identified application and will appear on the Official Filing Receipt.

CONCLUSION

Applicants' request under 37 CFR 1.181 for issuance of a corrected Official Filing Receipt is DISMISSED without prejudice. However, inventors John Favuzzi; Rosanne Welcher, Benno Guggenheim; Robert Clark; Michael Barber and Bob Lothrop have been added to the record.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/003) mailed on 04 May 2006 is hereby VACATED.

This application is being returned to the DO/EO/US for processing in accordance with this decision, that is, for issuance of a new Notification of Missing Requirements (Form PCT/DO/EO/005), to inform applicants that an oath or declaration of the inventors in compliance with 37 CFR 1.497 must be submitted in order to avoid abandonment of the application.



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